

- R E M A R K S -

Claim Rejections – 35 USC § 112

Included herewith is a declaration under 37 CFR §1.132 signed by an expert in the field of imaging and 3D data analysis.

As per point (5) of the declaration, the expert attests that “surface model reconstruction techniques, such as those described in paragraphs [025] and [026] of the specification as originally filed, are used with computer-assisted surgical systems that do not reference images of bones on an output device”.

As per point (6) of the declaration, the experts attests that “a reference to a “CT-less CAS system” such as that found in paragraph [002] of the specification as originally filed refers to a computer assisted surgery system that does not reference images of bones on an output device”.

As per point (7) of the declaration, the expert attests that “screen shots such as those illustrated in figures 2, 3, 4, and 5 of the specification as originally filed may be taken from a system that does not reference images of bones on an output device”.

As per point (8) of the declaration, the expert attests that “the surgical tool illustrated in figure 6 of the specification as originally filed is used with a system that does not reference images of bones on an output device and is used for surface model reconstruction”.

Therefore, the Applicant respectfully submits that it would be understood by a person skilled in the art that the specification as originally filed supports an output device adapted to display the mechanical axis without reference to an image of a femur acquired pre-operatively or intra-operatively, and that the amendment made to claims 1 and 16 does not constitute new subject matter.

Conclusions

The Applicant believes the application to be in condition for allowance. Early and favourable notice is earnestly solicited.

Respectfully submitted,
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